REMARKS

The examiner requires restriction to the invention of Group I (claims 1-6) or the invention of Group II (claims 7-20). Applicants hereby confirm the prior oral election of Group I for prosecution on the merits. This election is being made without traverse. To facilitate prosecution, non-elected claims 7-20 have been canceled.

Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. This would be apparent to one skilled in the art from a reading of the disclosure as a whole including the examples. See further page 11, line 18. Thermoplastic hot melts that can be repeatedly heated from its solid state and flowed to a liquid form. Also attached is copy of the ordinary meaning of the word "thermoplastic", as set forth in The American Heritage® College Dictionary, Third Edition, 2000 (page 1407).

New claims 21-26 have been added. The newly added claims read on the elected invention. Support for claim 21 and 22 may be found on page 7, lines 15-17. Support for claims 23 and 24 may be found on page 8, lines 1-2. Support for claim 25 and 26 many be found on page 10, lines 22-23. No new matter has been added by way of the foregoing amendment. Entry is requested.

Claim 4 has been rejected under 35 U.S.C § 112, second paragraph, based one the use of a trade name. As amended, the trade name has been removed. The scent used in the claimed invention is identified by its manufacturer and the identifying number assigned to the fragrance by the manufacturer thereof. It is believed that the foregoing

amendment overcomes the Section 122, first paragraph rejection. Reconsideration and withdrawal is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Krzysik (U.S. Patent No. 5,460,804). Applicants disagree.

Krzysik disclose skin care preparations such as sunscreen compositions. The compositions comprise, as a film forming agent, a silicon hot melt pressure sensitive adhesive. Among the various adjuvants that can be used in the compositions of Krzysik are fragrances and perfumes (col.8, line 49).

Krzysik merely discloses that a fragrance may be part of a sunscreen preparation. Krzysik fails to disclose or suggest a composition comprising a hot melt adhesive, wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such, Krzysik does not anticipate the claimed invention.

Reconsideration and withdrawal of the Section 102 rejection over Krzysik is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Cooke et al. (U.S. Patent No. 6,469,227) or Maleeny et al. (U.S. Patent No. 6,375,966). Applicants disagree.

Cooke et al., disclose an adhesive skin patch that comprises a therapeutic formulation. The therapeutic formulation includes a combination of a pressure sensitive adhesive and a medicament useful for relieving topical discomfort, and may optionally include a solvent that can dissolve the medicament. At col. 9, lines 14-15, Cooke et al. disclose that the therapeutic formulation can optionally include a fragrance, or the fragrance can serve as the solvent.

Cooke et al. merely disclose that a fragrance may be part of a therapeutic composition. Cooke et al. fail to disclose or suggest a composition comprising a hot melt adhesive, wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such, Cooke et al. does not anticipate the claimed invention.

Maleeny et al. disclose polyurethane/polyurea matrices for the delivery of active agents. The matrix is prepared by reacting a urethane prepolymer (prepared by reacting a polyisocyanate and a polyol) with an aromatic diamine chain extender in the presence of an active agent (i.e., a fragrance agent or an insect repellant agent). The matrix may further comprise a solvent for the urethane prepolymer, the aromatic diamine chain extender and active agent which results in a polyurethane/polyurea elastomer which is clear. The matrices can be casts into various shapes to form consumer products. The product of Maleeny et al. is a moldable curing polymer.

Maleeny et al. fail to disclose a thermoplastic hot melt adhesive comprising a scented material. As noted above, a thermoplastic hot melt adhesive can be repeatedly heated from its solid state and flowed to a liquid form. Maleeny fails to disclose or suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants. In the process of Maleeny, a urethane prepolymer (prepolymer phase) is reacted with an aromatic diamine chain extender (the curative amine phase) in the presence of an active agent. The active agent may be added as part of the prepolymer phase or as part of the curative phase. The phases are reacted and cooled in molds. The resulting cast elastomeric polymer being molded in a desired shape needed for the intended end product.

Applicants note with some confusion the disclosure on the top of col. 8 (lines 1-9). This disclosure has nothing to do with the subject matter of Maleeny et al. and appears to be an erroneous and perhaps inadvertent insertion on the part of the patentees. With the exception col. 8, lines 1-9, Maleeny et al. is devoid of any reference to adhesive compositions, or to components thereof that make up the adhesive composition that function together to provide unique waterborne hot melt agents. Moreover, while it is stated therein that certain theories or mechanisms will be suggested by applicant as to why the components function together in an unexpected manner, no such suggestions are set forth. Nevertheless, even if the col. 8, lines 1-9 paragraph is considered, there is no disclosure that a scented material is part of the referred to adhesive composition. There is no disclosure to suggest, and one skilled in the art would consider, that the prepolymer phase, or the curative phase, or the reaction product thereof to be an adhesive composition let alone a waterborne hot melt agent. The thermoplastic hot melt adhesive comprising a scented material, as claimed by applicants is not anticipated by Maleeny et al.

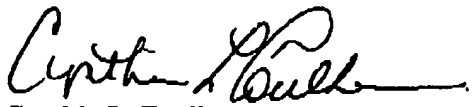
Reconsideration and withdrawal of the Section 102 rejections over Cooke et al. and Maleeny et al. are requested.

Claims 2-4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Maleeny et al., Cooke et al. or Krzysik. Applicants disagree. For the reasons set forth above, none of the Maleeny et al., Cooke et al. or Krzysik patents disclose or even suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants.

Reconsideration and withdrawal of the Section 103 rejections over Maleeny et al., Cooke et al. or Krzysik are requested.

Early and favorable action is solicited.

Respectfully submitted,



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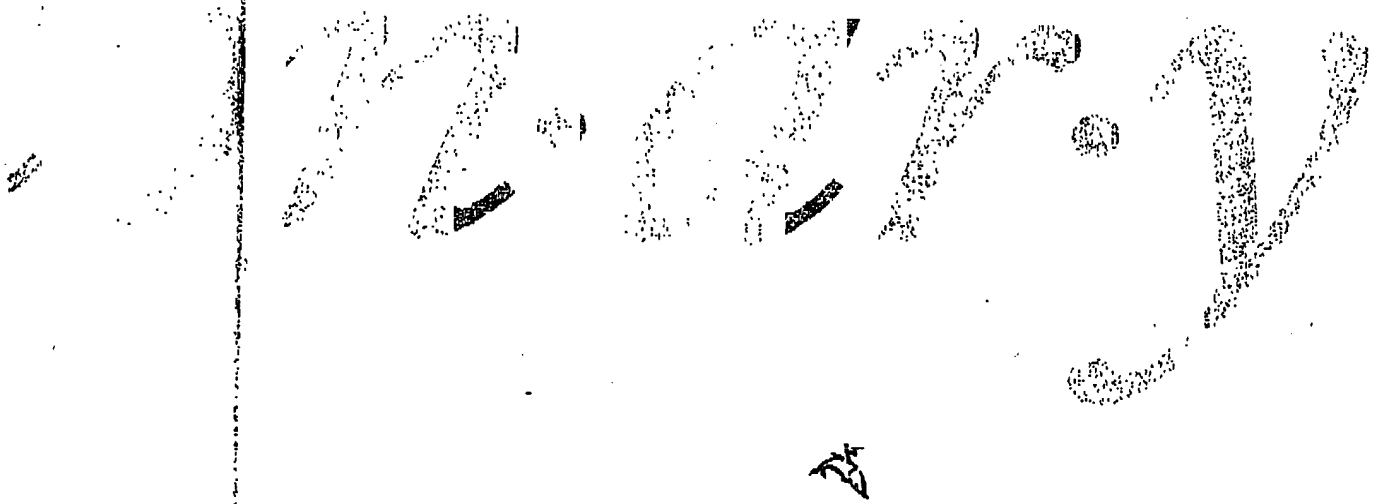

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re•min (thĕr′ə-mĭn) *n. Mus.* An electronic instrument played by moving the hands near its two antennas, often used for weird tremolo effects. [After Leo *Theremin* (b. 1896), Russian engineer and inventor.]

re of (*thâr-ŭv′, -ŏv′*) *adv.* 1. Of or concerning this, that, or it. 2. From that cause or origin; therefrom.

re•on (*thâr-ŏn′, -ən′*) *adv.* 1. On or upon this, that, or it. 2. *Archaic.* Following that immediately; thereupon.

re•sa (tə-rē′sə, -zə, -rā′-), Saint. "Theresa of Ávila." -82. Spanish nun who founded the reformed order of melites (1562).

re•to (*thâr-tōō′*) *adv.* 1. To that, this, or it. 2. *Archaic.* In addition to that; furthermore.

re•to•fore (*thâr′tə-fôr′, -fōr′*) *adv.* Until that time; before

re•un•der (*thâr-ŭn′dər*) *adv.* Under this, that, or it.

re•un•to (*thâr′ŭn-tōō′*) *adv. Archaic.* To that, this, or it; thereto.

re•up•on (*thâr′ə-pŏn′, -pōn′*) *adv.* 1. Concerning that matter; upon that. 2. Directly following that; forthwith. 3. In consequence of that; therefore.

re•with (*thâr-with′, -with′*) *adv.* 1. With that, this, or it. 2. In addition to that. 3. *Archaic.* Immediately thereafter.

re•with•al (*thâr′with-ôl′, -with-*) *adv.* With all that, this, or it; besides.

ri•o•mor•phic (thîr′ē-ə-môr′fĭk) also **the•ri•o•mor•phous** (-fəs) *adj.* Thought of as having the form of a beast, or of a deity. [Gk. *thērion*, dim. of *thēr*, wild beast; see THERO- + -MORPHIC.]

rm (thûrm) *n.* A unit of heat equal to 100,000 British thermal units. [Gk. *thermē*, heat < *thermos*, warm, hot. See THERM-.]

rm. *abbr.* Thermometer.

rm- *pref.* Var. of thermo-.

rm *suff.* An animal having a specified kind of body temperature: *poikilotherm*. [< Gk. *thermē*, heat < *thermos*, warm, hot. See g^wher-*.]

rmal (thûr′məl) *adj.* 1. Of, relating to, using, producing, caused by heat. 2. Intended or designed to help retain body heat. — *n.* A rising current of warm air. — **ther′mal•ly** *adv.*

rmal noise *n.* Unwanted currents or voltages in an electronic component resulting from the agitation of electrons by heat.

rmal pollution *n.* Industrial discharge of heated water into river, lake, or other body of water, causing a rise in temperature that endangers aquatic life.

rmic (thûr′mĭk) *adj.* Thermal.

rm•i•on (thûr′mī′ən) *n.* An electrically charged particle, such as an electron, emitted by a conducting material at high temperatures. — **therm′i•on′ic** (-mī-ŏn′ĭk) *adj.*

rmionic current *n.* A flow of thermions.

rmionic emission *n.* Emission of thermions, esp. electrons, from a conducting material at high temperatures.

rm•i•on•ics (thûr′mī-ŏn′ĭks) *n. (used with a sing. or pl. v.)* The physics of thermionic phenomena.

rmionic tube *n.* An electron tube in which the source of electrons is a heated electrode.

rm•is•tor (thûr′mĭs′tər) *n.* A resistor made of semiconductive material having resistance that varies rapidly and predictably with temperature. [THERM(AL) + (RES)ISTOR.]

rmit (thûr′mĭt, -mīt′). A trademark used for a welding thermite.

rmite (thûr′mīt, -mĭt′). A trademark used for a welding incendiary mixture of fine aluminum powder with a metal oxide that when ignited yields an intense heat.

rmo- or therm- *pref.* 1. Heat: *thermochemistry*. 2. Thermoelectric: *thermojunction*. [< Gk. *thermē*, heat < *thermos*, warm, hot. See g^wher-*.]

rmo•chem•is•try (thûr′mō-kĕm′ĭ-strē) *n.* The chemistry of heat and heat-associated chemical phenomena. — **ther′mo•chem′i•cal** (-ĭ-kəl) *adj.* — **ther′mo•chem′ist** *n.*

rmo•cline (thûr′mo-klīn′) *n.* A layer in a large body of water that sharply separates regions differing in temperature, so that the temperature gradient across the layer is abrupt.

rmo•cou•ple (thûr′mə-kŭp′əl) *n.* A thermoelectric device used to measure temperatures accurately, esp. one consisting of two dissimilar metals joined so that a potential difference produced between the points of contact is a measure of the temperature difference between the points.

rmo•dur•ic (thûr′mō-dŏōr′ĭk, -dyŏōr′-) *adj.* Capable of surviving high temperatures, esp. those of pasteurization. [Of a microorganism. (THERMO- + Lat. *dūrāre*, to last; see DURE.* + -IC.]

rmo•dy•nam•ic (thûr′mō-dī-năm′ĭk) *adj.* 1. Characteristic of or resulting from the conversion of heat into other forms of energy. 2. Of or relating to thermodynamics. — **ther′mo•dy•nam′i•cal•ly** *adv.*

rmo•dy•nam•ics (thûr′mō-dī-năm′ĭks) *n.* 1. *(used with sing. v.)* The branch of physics that deals with the relationship between heat and other forms of energy. 2. *(used with pl. v.)* Thermodynamic phenomena and processes.

rmo•e•lec•tric (thûr′mō-ĭ-lĕk′trĭk) also **ther•mo•e•lec•tri•cal** (-trĭ-kəl) *adj.* Characteristic of, resulting from, or using electrical phenomena occurring in conjunction with a flow of heat. — **ther′mo•e•lec′tri•cal•ly** *adv.*

ther•mo•e•lec•tric•i•ty (thûr′mō-ĭ-lĕk-trĭs′ĭ-tē, -ē′lĕk-) *n.* Electricity generated by a flow of heat, as in a thermocouple.

ther•mo•e•lec•tron (thûr′mō-ĭ-lĕk′trŏn′) *n.* An electron emitted by a material at high temperatures.

ther•mo•gram (thûr′mə-grăm′) *n.* A record made by a thermograph.

ther•mo•graph (thûr′mə-grăf′) *n.* 1. A thermometer that records the temperature it indicates. 2. The apparatus used in diagnostic thermography.

ther•mog•ra•phy (thər-mŏg′rə-fē) *n., pl.* **-phies.** 1. A process for producing raised lettering, as on stationery, by application of a powder fused by heat to the fresh ink. 2. A diagnostic technique in which an infrared camera produces images that reveal sites of abnormal tissue growth by measuring temperature variations on the surface of the body. — **ther′mo•graph′ic** (-mə-grăf′ĭk) *adj.* — **ther′mo•graph′i•cal•ly** *adv.*

ther•mo•junc•tion (thûr′mō-jŭngk′shən) *n.* The point of contact between two dissimilar metals in a thermocouple.

ther•mo•la•bile (thûr′mō-lā′bĭl, -bĭl′) *adj.* Subject to destruction, decomposition, or great change by heating. Used esp. of biochemical substances.

ther•mo•lu•mi•nes•cence (thûr′mō-lōō′mə-nĕs′əns) *n.* A phenomenon in which certain minerals release previously absorbed radiation upon being moderately heated.

ther•mol•y•sis (thər-mŏl′ĭ-sĭs) *n., pl.* **-ses** (-sēz′). 1. *Physiol.* Dissipation of heat from the body, as by evaporation. 2. *Chem.* Dissociation or decomposition of compounds by heat. — **ther′mo•lyt′ic** (thûr′mə-lĭt′ĭk) *adj.*

ther•mom•e•ter (thər-mŏm′ĭ-tər) *n.* An instrument for measuring temperature, esp. one having a graduated glass tube with a bulb containing a liquid, such as mercury, that expands and rises in the tube as the temperature increases.

ther•mom•e•try (thər-mŏm′ĭ-trē) *n.* 1. Measurement of temperature. 2. The technology of temperature measurement. — **ther′mo•met′ric** (thûr′mō-mĕt′rĭk) *adj.*

ther•mo•nu•cle•ar (thûr′mō-nōō′klē-ər, -nyōō′-) *adj.* 1. Of, relating to, or derived from the fusion of atomic nuclei at high temperatures: *thermonuclear reactions*. 2. Of, relating to, or characterized by the use of atomic weapons based on fusion, esp. as distinguished from those based on fission.

ther•mo•pe•ri•od•ism (thûr′mō-pîr′ē-ə-dĭz′əm) also **ther•mo•pe•ri•o•dic•i•ty** (-dĭs′ĭ-tē) *n.* The effect on an organism of the rhythmic fluctuation of temperature, as that accompanying the alternation of day and night.

ther•mo•phil•ic (thûr′mə-fĭl′ĭk) *adj.* Requiring high temperatures for normal development, as certain bacteria. — **ther′mo•phile′** (-fīl′) *n.*

ther•mo•pile (thûr′mə-pīl′) *n.* A device consisting of a number of connected thermocouples, used for measuring temperature or generating current. [THERMO- + PILE¹.]

ther•mo•plas•tic (thûr′mə-plăs′tĭk) *adj.* Becoming soft when heated and hard when cooled. — *n.* A thermoplastic resin. — **ther′mo•plas•tic′i•ty** (-plă-stĭs′ĭ-tē) *n.*

Ther•mop•y•lae (thər-mŏp′ə-lē). A narrow pass of E-central Greece; site of an unsuccessful Spartan stand against the Persians in 480 B.C.

ther•mo•re•cep•tor (thûr′mō-rĭ-sĕp′tər) *n. Biol.* A sensory receptor that responds to heat and cold.

ther•mo•reg•u•late (thûr′mō-rĕg′yə-lāt′) *intr.v.* **-lat•ed, -lat•ing, -lates.** 1. To regulate body temperature. 2. To undergo thermoregulation.

ther•mo•reg•u•la•tion (thûr′mō-rĕg′yə-lā′shən) *n.* Maintenance of a constant internal body temperature independent from the environmental temperature. — **ther′mo•reg′u•la•to′ry** (-rĕg′yə-lə-tôr′ē, -tōr′ē) *adj.*

Ther•mos (thûr′məs). A trademark used for a brand of vacuum bottles and other insulated containers.

ther•mo•set•ting (thûr′mō-sĕt′ĭng) *adj.* Permanently solidifying on being heated. Used of certain synthetic resins.

ther•mo•sphere (thûr′mə-sfîr′) *n.* The outermost shell of the atmosphere, between the mesosphere and outer space, where temperatures increase steadily with altitude. — **ther′mo•spher′ic** (-sfîr′ĭk, -sfĕr′ĭk) *adj.*

ther•mo•sta•bile (thûr′mō-stā′bəl) also **ther•mo•sta•bile** (-bəl, -bīl′) *adj.* Unaffected by relatively high temperatures, as certain ferments. — **ther′mo•sta•bil′i•ty** (-stə-bĭl′ĭ-tē) *n.*

ther•mo•stat (thûr′mə-stăt′) *n.* A device, as in a home heating system, that automatically responds to temperature changes and activates switches controlling the equipment. — **ther′mo•stat′ic** *adj.* — **ther′mo•stat′i•cal•ly** *adv.*

ther•mo•tax•is (thûr′mə-tăk′sĭs) *n., pl.* **-tax•es** (-tăk′sēz). 1. Movement of a living organism in response to temperature changes. 2. Normal regulation or adjustment of body temperature. — **ther′mo•tac′tic** (-tăk′tĭk), **ther′mo•tax′ic** (-tăk′sĭk) *adj.*

ther•mo•tro•pism (thər-mŏt′rə-pĭz′əm) *n. Biol.* The tendency of plants or other organisms to bend toward or away from heat. — **ther′mo•trop′ic** (thûr′mə-trŏp′ĭk) *adj.*

-thermy *suff.* Heat: *diathermy*. [NLat. *-thermia* < Gk. *thermē*, heat < *thermos*, warm, hot. See g^wher-*.]

the•ro•pod (thîr′ə-pŏd′) *n.* Any of various carnivorous dino-

ă pat	oi boy
ā pay	ou out
âr care	ŏŏ took
ä father	ōō boot
ĕ pet	ŭ cut
ē be	ûr urge
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ī pie	th this
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ō toe	ə about,
ô paw	item

Stress marks:
′ (primary);
′ (secondary), as in dictionary (dĭk′shə-nĕr′ē)